IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 33855 of 2006(E)

PETITIONER:

K.T.SUDHAMANY, MUTTEL HOUSE,
POOVANTHURUTHU P.O. KOTTAYAM, WOMEN SUB INSPECTOR OF POLICE, VANITHA CELL, KOTTAYAM, (UNDER SUSPENSION).

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS:

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1. THE SUPERINTENDENT OF POLICE,
KOTTAYAM.

2. THE DEPUTY INSPECTOR GENERAL OF POLICE,
ERNAKULAM RANGE.

3. THE DIRECTOR GENERAL OF POLICE,
TRIVANDRUM.

4. THE STATE OF KERALA, REP. BY THE
SECRETARY TO GOVERNMENT, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 33855 of 2006

Dated this the 12th day of January, 2007

JUDGMENT

The petitioner is kept under suspension from service as per Ext.P1 Order dated 18.10.2006 passed by the second respondent. The ground for suspension is that she was convicted and sentenced to undergo imprisonment under Section 138 of the Negotiable Instruments Act and that she is facing prosecution proceedings for the very same offences alleging that she had borrowed money from few persons. Against the order of conviction and sentence, the petitioner had approached this Court and as per Ext.P4 order passed in Crl..R.P.No.4088/2006, the conviction and sentence imposed on the petitioner were set aside and she was acquitted under Section 328 of the Code of Civil Procedure. The petitioner is due to retire from service by the end of March 2007. She has filed Ext.P5 representation before the second respondent requesting to revoke the order of suspension.

2. The provision of law referred to in Ext.P5 is not the one that applies to members of the Police Department. However, in view of the fact that the second respondent has got the power under the relevant rules to revoke the order of suspension, reference to a wrong provision

of law need not stand in the way of the second respondent exercising the power conferred on him under the relevant rules.

3. Heard the counsel for the petitioner and the Government Pleader for the respondents.

4. The second respondent has got a duty to pass early orders on Ext.P5, especially in view of the fact that the petitioner is due to retire from service by the end of March 2007. Hence, there shall be an order directing the second respondent to consider Ext.P5 with reference to all relevant records and materials and pass orders, in accordance with law, within a period of three weeks from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment before the second respondent for information and compliance.

The writ petition is disposed of with the above directions.

K.K.DENESAN, JUDGE

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